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BANGALORE 56001-1
INDIA

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OFFICE OF PETITIONS

In re Application of	:	
Bhaskar, et al.	:	
Application No. 10/781,420	:	DECISION ON PETITION
Filed: February 18, 2004	:	
Attorney Docket No. 1738.002US1	:	

This is a decision on the petition, filed September 13, 2007, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

This application was held abandoned for failure to reply to the nonfinal Office action mailed, October 19, 2006, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on June 12, 2007.

Petitioner asserts that the Office action dated October 19, 2006 was not received.

A review of the written record indicates no irregularity in the mailing of the Office action, and, in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

1. a statement from practitioner stating that the Office action was not received by the practitioner;
2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and

3. a copy of the docket record where the nonreceived Office action would have been entered had it been received must be attached to and referenced in the practitioner's statement.

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The showing in the instant petition is not sufficient to withdraw the holding of abandonment because it is unclear if practitioner stating that the October 19, 2006 non-final Office action was not received at the correspondence address **that was in effect on October 19, 2006**.

The address listed at the bottom of the petition is:

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The Notice at issue was properly mailed to the Schwegman, Lundberg, Woessner & Kluth, P.A. address in the United States. A change of address to the current correspondence address was filed by practitioner on July 13, 2007, which is substantially after the October 19, 2006 non-final Office action was mailed.

It is noted that practitioner used to practice with Schwegman, Lundberg, Woessner & Kluth, P.A.. However, before a petition to withdraw the holding of abandonment is granted, the Office requires a statement that the October 19, 2006 non-final Office action was not received at the Schwegman, Lundberg, Woessner & Kluth, P.A. address and that the supporting documentation provided with the present petition is information transferred to Global IP Services PLLC from Schwegman, Lundberg, Woessner & Kluth, P.A..


Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By facsimile: **(571) 273-8300**
Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.


Shirene Willis Brantley
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Office of Petitions